

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

IAN WALLACE,

Plaintiff,

v.

PHARMA MEDICA RESEARCH, INC.;
TRIS PHARMA, INC.; ROXANE
LABORATORIES, INC.; HIKMA LABS,
INC.; and WEST-WARD COLUMBUS,
INC.,

Defendants.

Case No. 4:18-cv-1859 PLC

**TRIS PHARMA, INC.'S RESPONSES AND OBJECTIONS TO PLAINTIFF'S
REQUEST FOR PRODUCTION DIRECTED TO DEFENDANT**

COMES NOW Defendant, Tris Pharma, Inc., by and through their undersigned attorneys, Hinshaw & Culbertson LLP, and for its Responses and Objections to Plaintiff's Request for Production, states as follows:

1. Attach a complete copy of any medical records and medical bills that you have regarding the treatment of Plaintiff.

RESPONSE: See documents previously produced by Pharma Medica.

2. Attach a copy of all documents that Plaintiff signed consenting to any testing and/or treatment or procedures performed or prescribed by any Defendant, as well as a copy of any literature, material, pamphlets, instructions, and/or other information or documents that any Defendant supplied to Plaintiff.

RESPONSE: See documents previously produced by Pharma Medica related to study 2015-3952.

3. Provide true copies of all communications between the plaintiff and any defendant and/or any of Plaintiff's treating medical providers, including, but not limited to text messages, telephone messages, emails, written statements made by Plaintiff, and any notes regarding statements made by Plaintiff.



RESPONSE: Objection. Defendant objects to this Request because it seeks to invade the expert-attorney privilege. Further responding, without waiving any objections, Defendant is has not yet retained any experts. Defendant will supplement this Request and produce non-privileged expert materials according to Fed. R. Civ. P. 26(e) and according to the case management order entered by this Court.

23. All policies, rules, regulations, procedures, protocols, guidelines, standards, training manuals, instructions, pamphlets and/or any other written material used and/or applicable to any testing of Plaintiff.

RESPONSE: Objection. Defendant objects to this Request because it is overly broad, not limited in scope and time as it seeks information outside the relevant times as alleged in Plaintiff's Complaint, vague, and is unduly burdensome. Further objecting, Defendant did performing any testing on Plaintiff; it relied on Pharma Medica, an independent contractor, to conduct and control study 2015-3952, including all requisite blood draws. Further responding, without waiving any objections, see Defendant's Master Service Agreement with Pharma Medica and Protocol 2015-3952.

24. Any and all liability insurance policies insuring you at the time of the occurrences at issue.

RESPONSE: None. Tris Pharma tendered coverage of this case to its insurer, but that coverage was denied. Further responding, Pharma Medica was required to provide insurance coverage and to indemnify, defend, and hold harmless Tris Pharma pursuant to the parties' agreement for the subject clinical trial. In accord with the parties' agreement, Pharma Medica has agreed to defend and indemnify Tris Pharma regarding Plaintiff's claim.

25. All writings, c.d.'s, notes, electronically stored data, or memoranda relating in any way to the Plaintiff's physical, medical, and/or dental condition.

RESPONSE: Objection. Defendant objects to this Request because it is overly broad, vague, not limited in scope and time as it seeks information outside the relevant time as alleged in Plaintiff's Complaint, and is unduly burdensome as it does not differentiate between Plaintiff's various clinical studies. Defendant further objects to this Request because it seeks information which constitutes the work-product of this Defendant, and invades the attorney-client privilege. This Request seeks information which was secured in anticipation of litigation and, accordingly, is beyond the scope of discovery as provided by the Federal Rules of Civil Procedure. Further responding, without waiving any objections, see documents previously produced by Pharma Medica.

26. Copies of any and all documents, records or writings made in the ordinary course of business by you and/or your staff concerning the testing and/or injuries sustained by Plaintiff referenced to in the Amended Complaint.

RESPONSE: Defendant does not have responsive documents.

HINSHAW & CULBERTSON LLP

By: /s/ John R. Suermann, Jr.
JOHN R. SUERMANN, JR. #66266MO
701 Market Street, Suite 1375
St. Louis, MO 63101-1843
P: (314) 241-2600
F: (314) 241-7428
jsuermann@hinshawlaw.com
ATTORNEYS FOR DEFENDANT
TRIS PHARMA, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served to counsel at the below on this 15th day of December, 2019:

Brian M. Wendler
Wendler Law, P.C.
900 Hillsboro, Suite 10
Edwardsville, IL 62025
P: (618) 692-0011
F: (618) 692-0022
wendlerlawpc@gmail.com

Attorney for Plaintiff

/s/ John R. Suermann, Jr.